United Nations CRC/C/SR.1934

Convention on the Rights of the Child

Distr.: General
27 January 2015

Original: English

Committee on the Rights of the Child
Sixty-eighth session

Summary record of the 1934th (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Tuesday, 13 January 2015, at 10 a.m.

Chairperson: Ms. Wijemanne (Vice-Chairperson)

Contents

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of the Dominican Republic (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Section, room E.5108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-00408 (E) 150115 270115

1500408

Please recycle

The meeting was called to order at 10.05 a.m.

Consideration of reports by States parties (*continued*)

Combined third to fifth periodic reports of the Dominican Republic (continued) (CRC/C/DOM/3-5; CRC/C/DOM/Q/3-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Dominican Republic resumed places at the Committee table.*

2. **Ms. Winter** asked whether there were any plans to safeguard the rights of child victims and witnesses during legal proceedings. What steps were being taken by the Commission for the Execution of Juvenile Justice (CEJNA) to protect children and young people in institutions from bullying and violence? Why had so few people been tried and sentenced in 2014 for the trafficking, abuse and sexual exploitation of children? Were there any plans to ensure that swifter action was taken to combat those scourges? Had the results of the survey of child migration been published as an official document by the National Council for Children and Adolescents (CONANI)? What was the reason for the lack of progress in implementing the strategy to reduce the number of street children? Were any measures being contemplated to ensure that the 62 per cent of working children who were not attending school, did go to school? She wished to know whether any steps were planned to clarify the responsibilities of the Ministry of Public Health and the Attorney-General's Office with regard to children in custody. Were any plans in place to counter overcrowding and deficiencies in the infrastructure of the juvenile justice system and to prevent the use of force by the specialized judicial police in those centres?

3. **Mr. Mezmur** enquired as to the impact of the Solidarity Programme and other social programmes on preserving the family environment and ensuring that children were not separated from their parents, especially prior to deportation to their countries of origin. What measures were being taken to address the lack of national standards governing the care of children in institutions and to build the capacity of CONANI to supervise the institutions in which children were placed? What progress had been made towards improving coordination between the government bodies that oversaw intracountry adoption and amending the relevant clauses of Act No. 136-03?

4. **Ms. Oviedo Fierro** (Country Rapporteur) asked what action was being taken to prevent the spread of HIV/AIDS among young people and to disseminate the rights of children in the Dominican Republic. She requested more data about measures to assist girls who had become pregnant as a result of rape. What was the minimum age of sexual consent? What line was drawn between sexual violence and sexual aggression? It appeared that the laws in question were poorly implemented and that international guidelines on the subject were ignored.

5. **The Chairperson** said she wished to know whether young people had widespread access to reproductive health services and contraception and whether girls could obtain therapeutic abortion after rape.

6. **Ms. Sabino Pozo** (Dominican Republic) said that although only 41 per cent of hospital births had been registered in 2002, the opening of civil registry offices in four of the largest maternity hospitals in the country in 2013 had led to a significant improvement in the timely registration of births. A fifth such office would be opened in March 2015. It was hoped that 85 per cent of all hospital births, which currently accounted for 98 per cent of the total number of births, would be registered automatically by 2016.

7. Under Act No. 136-03, juvenile courts could permit exceptions to the minimum age of marriage. This was because in the Dominican Republic girls tended to have consensual

sexual intercourse and therefore to become pregnant at an early age. It would be necessary to conduct a sociological survey into the reasons for that situation.

8. **The Chairperson** drew attention to the fact that allowing girls under the age of 15 years to marry was not in keeping with the State party's policy decision to deem anyone under the age of 18 years a child. Lowering the age of marriage was tantamount to condoning child marriage. Girls who had sexual relations needed to have access to contraceptive services in order to avoid teenage pregnancy. An in-depth analysis should also be made of the reasons for sexual violence, which was a criminal offence.

9. **Ms. Sabino Pozo** (Dominican Republic) said that in her country, most girls had entered into a sexual relationship before marriage. Awareness campaigns were therefore being run to warn girls about the dangers of underage sex and early pregnancy. The health authorities had set up a special unit to cater for girls who were pregnant.

10. **Mr. Cardona Llorens** wished to know what measures had been adopted in the educational system to provide young people with sex education and information about reproductive health in order to reduce the incidence of teenage pregnancy.

11. **Mr. Padilla Vicioso** (Dominican Republic) wondered whether the late submission of his Government's replies to the list of issues had made it impossible for the Committee to study the data and information provided therein.

12. No Haitian children in the Dominican Republic were stateless, because the country's laws contained provisions to avoid that situation and also because article 11 of the Haitian Constitution provided that any child born of a Haitian mother or father had Haitian nationality, irrespective of their place of birth. Furthermore his country had a plan for the regularization of nationality. According to the latest census, illegal migrants on Dominican soil came not only from Haiti but from some 80 countries.

13. In connection with statelessness, he emphasized that the Dominican Constitutional Court exercised sovereign jurisdiction and had stated its reasons for declaring the ruling of the Inter-American Court of Human Rights unconstitutional in the case mentioned by Mr. Mezmur at the 1932nd meeting. He referred the members of the Committee to the statement made by his country's Ministry of Foreign Affairs to the Office of the United Nations High Commissioner for Refugees regarding the subject of statelessness, and to the proceedings of the Hispaniola 2014 conference, held in Oslo in September 2014.

14. The relationship between Haiti and the Dominican Republic was unique, owing to the fact that they shared an island. No country had shown greater solidarity with Haiti after the earthquake in 2010. CONANI had cared for some 100 seriously injured children. No maternity hospital in his country had failed to provide treatment for Haitian mothers who had crossed the border in order to give birth, although it had not been possible to register some of those births because the parents lacked identity documents.

15. The replies to the list of issues contained disaggregated data on the numbers of persons who had benefited from the various components of the Solidarity Programme. For example, some 8,000 families had been covered by a literacy drive. As it had been realized that street children were often forced to beg at the behest of the Haitian mafia, paternity tests had been conducted to ensure that those children could be removed from the control of persons who were not their parents. As it had been impossible to locate the families of some of those children, they had been placed in homes run by CONANI.

16. Detailed information on measures to combat the sexual exploitation and abuse of children and young people was provided on pages 16 to 18 of the replies to the list of issues.

17. In reply to the question about the participation of young people in civic life, he explained that some 2,400 children had taken part in an open democratic process to elect their representatives to youth councils between 2012 and 2014.

18. An allowance of 150 pesos per child was given to the mothers of poor families with two or three children, in order to encourage them to send their children to school. The introduction of sex education at school was problematic, and religious considerations did play a role. For that reason, an attempt was being made, with the assistance of civil society organizations and the United Nations Children's Fund (UNICEF), to formulate a proposal on the inclusion of sex education in the curriculum. As for combating sexual violence, much would depend on the success of the Road Map for dealing with the issue of violence as a whole. In the past four years, more classrooms had been built than in the previous three decades. Teacher training and teachers' wages had been improved.

19. He referred to section 18 of the replies to the list of issues and the annexes thereto, which showed that there was no evidence that Haitian children or young people had been deported from the Dominican Republic. If adults' applications for asylum were rejected, that would of course have repercussions for their children.

20. **Ms. Winter** explained that the Committee wished to know whether the Dominican Republic had duly clarified the conditions of deportation with the receiving State in the case in question.

21. **Ms. Oviedo Fierro**, with reference to a statement made earlier by the delegation, said that the Committee had in fact examined the State party's replies to the list of issues carefully. In connection with the issue of children whose resident status was unresolved because their parents were in an irregular situation, she said that they needed to be better protected. While the Committee acknowledged that there were obstacles to providing such protection, the current arrangements were not satisfactory.

22. **Mr. Padilla Vicioso** (Dominican Republic) said, in reply to Ms. Winter's request for clarification of conditions for deportation to Haiti, that it was very difficult to work with the Government of Haiti. The Dominican Republic did not have an institutional counterpart in that country with which it could cooperate on the matter.

23. With regard to the institutionalization of children, sometimes that was the best available option. In 2011 a census conducted by CONANI had identified more than 5,000 institutionalized children in the country. Most of the host establishments, although reliant on foreign sponsors, unfortunately did not have a rights-based approach to care. CONANI had established a monitoring department to oversee the matter. Foster care was being piloted as an alternative to institutionalization in a small number of cases. As fostering was not common practice in his country, a nationwide pilot would have been risky. Two adolescents with disabilities would be included in the pilot.

24. Turning to other issues, he said that his country's adoption procedures were in line with international standards. His Government had recently established a centre to help street children with drug addictions, which had handled 122 cases to date. Children admitted to the centre lived there until their families were located, after which they continued to receive therapy and other social support. Although schools did tend to expel pregnant girls, the Ministry of Education had instructed them to discontinue that practice. Awareness campaigns to combat domestic violence, including against children, had been conducted, but further efforts were needed. The institution responsible for assisting persons with disabilities was being overhauled to better respond to the needs of children with disabilities and a service for children with autism or other disabilities had been established in Santo Domingo.

25. In conclusion, he underscored that his Government was investing increasing effort and resources in helping children and that, despite numerous challenges, the future for Dominican children seemed brighter than before.

26. **Mr. Cardona Llorens** said that children with disabilities needed to be integrated into mainstream education to the extent possible. The Committee had repeatedly expressed concerns regarding the segregation of such children in the State party's school system, yet the information provided by the delegation suggested that such segregation persisted.

27. **Mr. Padilla Vicioso** (Dominican Republic) said that the special centres being created for children with disabilities were health centres, not education centres. While his Government was taking action to integrate children with disabilities into the educational system, it was difficult to integrate children with severe disabilities. The overall situation had nevertheless improved; during the 2009/10 school year, more than 10,000 children with disabilities had attended mainstream schools.

28. **Ms. Oviedo Fierro** pointed out that if, as indicated earlier, there were more than 73,000 children with disabilities in the Dominican Republic, and if some 10,000 of them were enrolled in regular schools, that meant that only 13 or 14 per cent of such children were attending school.

29. **Mr. Mezmur** asked whether the State party had plans to expedite the recognition of Dominican citizenship for persons categorized under groups A and B of the four groups mentioned in paragraph 27 of the replies to the list of issues. The fact that some had successfully navigated the process did not mean that the difficulties of the remaining th asands had been resolved.

30. **Ms. Al-Shehail**, citing reports that 72 per cent of drinking water samples in the Dominican Republic contained high levels of bacte a, asked what was being done to improve the quality of drinking water and contain the risk of waterborne epidemic diseases.

31. **The Chairperson**, speaking as a member of the Committee, said that the Committee had received reports that the use of child labour persisted, mainly in the informal economy. She asked whether the State party was working with the International Labour Organization or other relevant bodies to tackle the problem. Regarding juvenile justice, she asked whether there were alternative penalties for children, with detention a last resort; whether measures were in place to protect children and safeguard their rights during legal proceedings and detention; and whether incarcerated children were separated from adult prisoners.

32. **Ms. Winter** asked whether measures were in place to penalize judges for exceeding the legal time limits for holding children in detention, including pretrial detention.

33. **Mr. Padilla Vicioso** (Dominican Republic) said in reply to a question raised at the 1932nd meeting that the anti-gang bill had been withdrawn because it did not comply with the provisions of the Convention.

34. **Ms. Oviedo Fierro** said that she would raise some issues contained in the list of issues that remained to be addressed by the delegation. The Committee had learned from a human rights organization in 2012 that Dominican families "adopted" Haitian children so that they could perform domestic work; the State party needed to investigate that practice, which seemed to be increasingly prevalent in the region.

35. She asked why the State party had not appointed an assistant ombudsman for children and youth, and whether it intended to do so. What role did civil society play in the ongoing discussion on a family code, and how were children's views taken into account?

The meeting was suspended at 11.35 a.m. and resumed at 12.05 p.m.

36. **Ms. Oviedo Fierro** emphasized that some of the questions she would ask had been raised in the list of issues but remained to be addressed by the delegation. Expressing concern about the high mortality rate associated with abortion among adolescent girls, she asked what the State party was doing to tackle that problem and the issue of teenage pregnancy in general.

37. She asked how the State party intended to bring its legislation concerning the minimum working age into line with international standards and raise the age from 14 to 15 years. Similarly, what steps were being taken to ensure that the minimum age for marriage was established as 15 years in the national legislation, in line with international standards? How was coverage of human rights and gender equality being incorporated into school curricula? How did the State party ensure that all children living in prison because their mothers were incarcerated could benefit from early education?

38. **The Chairperson**, speaking as a member of the Committee, asked what action the State party was taking to tackle the infant mortality rate. Noting that exclusive breastfeeding rates were very low in the Dominican Republic, she asked whether there were plans to improve that situation – for example, by explaining the importance of exclusive breastfeeding during the first months of life and controlling the marketing and distribution of infant formula.

39. **Ms. Sabino Pozo** (Dominican Republic), replying to a question about disciplinary proceedings directed at judges, said that the Supreme Court of Justice had a disciplinary council tasked with investigating complaints. Possible penalties included suspension or removal from the bench.

40. The central electoral office was responsible for resolving problems raised by Act No. 169-14 concerning the registration of births of children born to foreigners in an irregular situation. The status of many individuals had already been regularized, and her Government expected to complete the process for all those concerned within the coming months.

41. **Mr. Padilla Vicioso** (Dominican Republic) said that the Government had adopted a humanitarian approach to dealing with applicants for Dominican nationality categorized as belonging to Group B under Act No. 169-14. As part of that approach, it had developed and put in place procedures to implement the Act in accordance with relevant international principles, taking into account the views of various civil society organizations. The original deadline for applications had recently been extended in order to allow for the submission of additional documents, where necessary.

42. The question of trafficking across the border with Haiti was difficult to tackle. One of the major difficulties was that no body in that country was specifically authorized to address the matter on a bilateral basis. Nevertheless, the two Governments had made progress in joint discussions held on the subject over the previous two years, and it was hoped that a protocol on trafficking that had been developed by his Government would be implemented in due course with the cooperation of the Haitian authorities. In the meantime, CONANI was working with UNICEF to deliver training for border police, with a focus on providing protection for child and adolescent victims of trafficking.

43. In response to a question about the employment of school-age children, he said that the Government had introduced a number of social policy measures designed to combat the worst forms of child labour. One such initiative was the school attendance incentive, under which cash payments were made to households with the aim of helping families to keep children in school. In addition, the Ministry of Labour had established provincial committees on the prevention of child labour, made up of local officials and civil society representatives, that addressed the specific needs of the children in the geographic areas for which they were responsible.

44. With respect to the juvenile criminal justice system, he said that minors under the age of 18 years were held separately from adults in detention facilities. While it was indeed the case that one or two detention centres remained under the authority of the Ministry of Health, discussions were under way to ensure that they were transferred to the jurisdiction of the Attorney General's Office, the body normally responsible for prisons. Qualitative research had been conducted on the conditions under which juveniles were held in places of deprivation of liberty; a number of measures had already been introduced and others were planned to address the shortcomings that had been identified. For instance, steps had been taken to strengthen the capacity of professionals working with children in conflict with the law, and plans were being developed to bring detention facilities fully into line with national legislation and the Convention on the Rights of the Child. Replying to a question that had been raised about possible amendments to Act No. 136-03, he said that although the Government currently had no plans in that regard, it would have to substantially revise the Act if proposals for a new family code, which were currently being considered by Congress, were adopted.

45. Now that the Ombudsman's Office was fully operational, consideration was being given to the establishment of an ombudsman for children and adolescents.

46. With respect to a question raised at the 1932nd meeting regarding maternal health and breastfeeding, he said that he would provide the Committee with a copy of the document received from the ministry concerned detailing government efforts in those areas, including information on the establishment of a maternal milk bank and the implementation of a plan to reduce vertical transmission of HIV/AIDS.

47. **The Chairperson**, speaking in her capacity as a member of the Committee, said that, while milk banks performed a useful function in certain specific instances, government action should focus primarily on encouraging breastfeeding.

48. **Mr. Padilla Vicioso** (Dominican Republic) said that the promotion of breastfeeding was a priority area for the Government and emphasized that the establishment of milk banks was a complementary measure.

49. With regard to the case to which Ms. Oviedo Fierro had referred, involving a child from Haiti engaged in domestic work in a Dominican household, he said that the National Council for Children and Adolescents had taken no action because it had received no complaint regarding the individual concerned. As the Council could only act upon reports submitted to it, human rights organizations should be encouraged to bring such cases to its attention so that it could undertake the necessary investigations and take remedial action, as appropriate.

50. Replying to a question asked at the 1932nd meeting about telephone helplines, he said that the Government, acting upon a recommendation made by the Committee in its previous concluding observations (CRC/C/DOM/CO/2), had established a 24-hour helpline (911) covering the capital and the surrounding region. The services provided by the helpline were due to be extended in 2015, with the incorporation into the system of a comprehensive database that would enable operators to direct children requiring emergency assistance to the most appropriate care provider. In view of the scheme's success, plans were being prepared to roll it out progressively across the country.

51. With regard to the rights of lesbian, gay, bisexual and transgender people, he said that the Constitution enshrined the principle of non-discrimination on any grounds. However, further implementing legislation in that regard remained to be enacted, and procedures remained to be introduced or strengthened where appropriate to deal with violations of citizens' rights. No cases of discrimination on the basis of sexual orientation had been reported within the education system. However, it was possible that bullying in schools was, in some instances, related to situations involving the sexual orientation of

pupils. Therefore, the Ministry of Education was conducting a range of awareness-raising and prevention campaigns on those issues in schools throughout the country.

52. Turning to the question raised concerning proceedings against two priests allegedly involved in the sexual abuse of children, he said that the matter had an international dimension, since the priests in question were both Polish nationals. However, the two cases were being dealt with differently because one of the priests involved was an ordinary Polish citizen whereas the other had diplomatic status, as a representative of the Holy See. Both cases were being actively pursued by the Government through bilateral contacts with the competent authorities in the two States concerned. However, the lack of an extradition treaty with Poland was an obstacle to the swift resolution of one of the cases.

53. **Ms. Oviedo Fierro** thanked the delegation for its comprehensive replies. She said that in its concluding observations the Committee would, among other things, call on the State party to continue making progress with respect to a number of issues, notably the question of persons of Haitian origin and the restoration of the rights of victims of trafficking, violence and sexual exploitation. Furthermore, in view of the likely growth of tourism in the State party, the Government should give consideration to building the capacity of professionals working in that sector to protect children from sexual exploitation.

54. **Mr. Padilla Vicioso** (Dominican Republic) thanked the Committee warmly for its assistance and suggestions. He reiterated his Government's strong commitment to acting upon the Committee's recommendations and to further strengthening implementation of the Convention.

The meeting rose at 1.05 p.m.